

A. STATE-AT-A-GLANCE

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|---|--|-------------------|----|--------------------|----|---------------------|-----|---------------------|-----|--------------------|-------|
| 1) Program Operation | State Operated | | | | | | | | | | |
| 2) Number of Local Offices (excluding Agencies under Cooperative Agreements) | 7 Regional Offices | | | | | | | | | | |
| 3) Type of Agencies with Cooperative Agreements | Hearing Officers in 4 Judicial Districts | | | | | | | | | | |
| 4) Uniform Interstate Family Support Act | Yes | | | | | | | | | | |
| 5) Agreements With Tribal Entities | Yes. Navajo Nation. | | | | | | | | | | |
| 6) Age of Majority for Termination of Support | 18; however, a 16 year old may be emancipated by having entered into valid marriage or active duty in armed services or by receiving declaration of emancipation pursuant to court petition and order showing he/she is living apart and managing his/her own affairs. | | | | | | | | | | |
| 7) Statutes of Limitation: | | | | | | | | | | | |
| • Collection of Past Due Support | 14 years pursuant to a previous judgment | | | | | | | | | | |
| • Paternity Establishment | No later than 3 years after the child has reached the age of majority. | | | | | | | | | | |
| Dormancy Revival/Renewal Possible [yes/no] | No | | | | | | | | | | |
| 8) Guidelines | Income Shares | | | | | | | | | | |
| 9) Interest Rates on | | | | | | | | | | | |
| • Missed Payments | <p>The statutory interest rate in effect on the date of the filing of the original petition will be the rate applied to the order unless another rate of interest is specifically specified in the order. NOTE: Application of interest was permissive prior to 06/06/83, and will not be applied unless the order specifies that interest accrue.</p> <table> <tr> <td>prior to 06/19/77</td><td>6%</td></tr> <tr> <td>06/19/77 -05/14/80</td><td>8%</td></tr> <tr> <td>05/15/80 - 06/16/83</td><td>10%</td></tr> <tr> <td>06/17/83 - 06/17/93</td><td>15%</td></tr> <tr> <td>06/18/93 - present</td><td>8.75%</td></tr> </table> | prior to 06/19/77 | 6% | 06/19/77 -05/14/80 | 8% | 05/15/80 - 06/16/83 | 10% | 06/17/83 - 06/17/93 | 15% | 06/18/93 - present | 8.75% |
| prior to 06/19/77 | 6% | | | | | | | | | | |
| 06/19/77 -05/14/80 | 8% | | | | | | | | | | |
| 05/15/80 - 06/16/83 | 10% | | | | | | | | | | |
| 06/17/83 - 06/17/93 | 15% | | | | | | | | | | |
| 06/18/93 - present | 8.75% | | | | | | | | | | |
| • Retroactive Support | see above | | | | | | | | | | |
| • Adjudicated Arrearage | see above | | | | | | | | | | |

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| 10) Arrearage Collections for Non-minor Child(ren) | Yes |
| 11) Distribution Scheme | |
| • AFDC Arrears | Any arrears, judgment or not, would be assigned to the State when a custodial parent is approved for AFDC. No non-AFDC arrears are paid to the custodial parent as long as the AFDC case remains open. Once the AFDC case closes, the State has the option of satisfying AFDC or non-AFDC arrears. |
| • Non-AFDC Arrears | See above. |
| 12) Procedures Regarding Medical Support Using Income Withholding | Yes, but medical support must be a specific dollar amount. |
| 13) New Hire Reporting | No. |
| 14) Recovery of Costs Elected Under State Plan | Yes. |
| 15) Recovery of Costs for Initiating State | Yes. |
| 16) Long-Arm Statute/s Citation/s | 38-1-16 NMSA 1978, 40-6A-201 NMSA 1978, and 40-6A-314 NMSA 1978 |
| 17) Automated Locate Resources | DMV, DOL |
| 18) Enforcement Options | |
| • State Income Tax Refund Intercept | Yes |
| • License Revocation/ Suspension | Yes. Professional license. |
| • Administrative Liens | No. |
| • Property Seizure & Sale | No. |
| • State Funds/Benefits | Unemployment Compensation Benefits, Worker's Compensation |
| • Other (please specify) | Lottery Winnings |
| 19) Spousal Maintenance Orders <i>(specify yes or no)</i> | |
| • Establish | No |
| • Enforce | Yes, but only if a support obligation has been established for that spouse and the child support obligation is being enforced by this agency. |
| • Modify | No. |

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| 20) Current Spouse/Partner Information Required | No. |
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B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

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| 1) State Code Citation | 40-6A-101 to 40-6A-903 NMSA 1978 |
| 2) Effective Date | 07/01/95 |
| 3) Adopted Verbatim? If no, list differences. | Yes. |
| 4) Repeal URESA? | Yes. |
| 5) Repeal IWW? | No. |

C. INCOME WITHHOLDING

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| 1) Income Withholding Terminology | Notice of Support Delinquency and Petition to Stay (NSD); Notice to Withhold (NTW); Immediate Income Withholding. |
| 2) Income Withholding Procedures | |
| • State Withholding Limits | Not to exceed 50% of the obligor's income. |
| • Fee Charged by Employers | \$1.00 for each withholding (optional) |
| • Date to Remit | On the date payment otherwise would have been made to obligor. |
| • Penalty | Judgment against the payor for the total amount that the payor willfully failed to withhold or pay over; Order of reinstatement of or award damages to the obligor, or both, where the obligor has been discharged, disciplined or otherwise penalized by the payor, or; Such other action, including action for contempt of court, as may be appropriate. |
| 3) Definition of Employer | "Payor" = any person or entity who provides income to an obligor |
| 4) Included Income | Any form of periodic payment to an obligor, regardless of source, including but not limited to wages, salary, commission, compensation as an independent contractor, workers' compensation benefits, disability benefits, annuity and retirement benefits or other benefits, or any other payments made by any person. |
| 5) Excluded Income | Any amounts required by law to be withheld, other than creditor claims, including but not limited to federal, state and local taxes, social security and other retirement and disability contributions; Union dues; Any amounts exempted by federal law; public assistance payments. |
| 6) Direct Income Withholding for Unemployment Compensation, include address | No. |
| 7) Direct Income for Workers' Compensation, include address | No. |

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| 8) Direct Income Withholding, other income sources subject to, include address | See number 4 above. |
| 9) Direct Income Withholding, list Other Income Sources NOT subject to | See number 5 above. |
| 10) Federal Withholding (See Federal Pay Agents Section) | IV-D Directors need not answer this question. |
| 11) Procedures for Contesting Income Withholding | Yes. By filing a petition to stay service or to modify, suspend or terminate notice of withholding. |
| 12) Arrearages through Income Withholding | Yes. |
| 13) Enforcing Against Non-Resident Obligor Asset/Income | Yes. |
| 14) Exception to Immediate Withholding | Yes. The burden is on the party raising the issue to go forward with the evidence and the court must make a written finding specifying the circumstances. Also, parties may agree in writing not to have withholding. |
| 15) Multiple Obligations Withholding Priorities | |
| • Policy | State law requires that the orders shall receive priority in payment according to the date of service on the payor. |
| • Priority | See above. |
| • Assistance | Central Office responds to requests for assistance. |
| • Allocation | Assistance can be requested. |

D. PATERNITY

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| 1) Interstate Paternity Procedures | Judicial/Quasi Judicial |
| Consent Orders Obtained | Yes. |
| 2) Uniform Parentage Act | Yes. |
| 3) Uniform Act on Blood Testing | No. |
| 4) Parentage Order Available Without Order for Support | Yes. |
| 5) Custody/Visitation Addressed Subject to Tribunal's Jurisdiction | No. |
| 6) Genetic Test Results as Presumption of Paternity | Yes. |

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| Threshold | 99% |
| 7) Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive) | Yes. Rebuttable. |
| 8) Marriage as Presumption of Paternity | Yes. |
| 9) Putative Father's Name on Birth Certificate, Effect of | If the mother was not married at the time of either conception or birth, but the father has signed an acknowledgment of paternity, the father's name, date of birth and social security number shall be entered on the acknowledgment of paternity. The name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father, unless a determination of paternity has been made by a court, in which case the name of the father as determined by the court shall be entered. |
| 10) Other Statutory Presumptions | Yes. See 40-11-5 NMSA 1978. |
| 11) Recognition of Common Law Marriage | No, but recognized if legally established in another state. |
| 12) Personal Appearance of Witness or Custodial Parent Required | Yes, depending upon attorney's assessment of need for testimony in contested cases. |
| Acceptable Methods of Testimony | Obligee may be ordered to present evidence by deposition. |
| 13) Long-Arm Statute | Yes. |
| 14) Assistance to Other States Using Their Long-Arm Statutes | |
| • Service of Process | Yes. |
| • Genetic Testing | Yes. |
| 15) Recovery of Genetic Testing Costs for Other States | Yes. |

E. SUPPORT ORDER ESTABLISHMENT

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| 1) Interstate Procedures | UIFSA adopted verbatim. |
| 2) Income Considered for Setting Support | "Income" means actual gross income of a parent if employed to full capacity or potential income if unemployed or underemployed. The gross income of a parent means only the income and earnings of that parent and not the income of subsequent spouses. "Gross income" includes income from any source and includes but is not limited to income from salaries, wages, tips, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, workers compensation benefits, unemployment insurance benefits, disability insurance benefits, significant in-kind benefits that reduce personal living expenses, prizes and alimony or maintenance received. |

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| 3) Criteria for Rebuttal | A finding on the record that application would be unjust or inappropriate which may include that a substantial hardship would be worked on any party. |
| 4) Support Order for Prior Periods | Yes. Support retroactive to the date of the child's birth. May direct the father to pay reasonable expenses of the mother's pregnancy, birth and confinement. |

F. ENFORCEMENT

(Note: If multiple orders, see Part "G")

I. ENFORCING YOUR OWN ORDER

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| 1) Enforcement for Non-Resident Family | Same as for resident family. |
| 2) Administrative Procedures and Remedies Available | Yes. |
| 3) Judicial Procedures and Remedies Available with Registration | Yes, if administrative remedies are not sufficient. |

II. ENFORCING OTHER STATES' ORDERS

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| 4) Administrative Procedures and Remedies Available Without Registration | Income Withholding |
| 5) Judicial/Administrative Remedies with Registration | All remedies available. |
| 6) UIFSA/URES Registration and Enforcement Procedure | A support order or income withholding order issued in another state may be registered in this state for enforcement under UIFSA. |
| 7) Judicial Procedures Required after Registration | None. |
| 8) Uniform Enforcement of Foreign Judgments Act Citation | 39-4A-1 to 39-4A-6 NMSA 1978. |

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

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| 1) Jurisdiction Requirements | UIFSA |
| 2) Modification Procedures | Review notice sent via automated system every 3 years. Financial affidavits or information obtained through automated interface used to complete review. Obligor and obligee notified of review results in writing by department. If review indicates modification, both |

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| | parties are given 30 days to respond to finding. Right to seek modification rests with the department in cases with assignment of support rights. |
| 3) Criteria for Modification | If application of current guidelines would result in a deviation upward or downward of more than 20% of the existing support obligation and the petition for modification is filed more than one year after the filing of the pre-existing order. |
| 4) Criteria for Change of Circumstances | Not defined in statute. |
| 5) Frequency With Which Reviews are Conducted | At least once every 3 years in AFDC cases. At either parties request in Non-AFDC cases. |
| 6) Criteria for Review | See above. |
| 7) Criteria for Adjustment | See above. |

H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

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| 1) Controlling Order | CEJ analysis per UIFSA. |
| 2) Date of Controlling Order | Analysis per UIFSA. |
| 3) If No Controlling Order | Will recognize most recent. |
| 4) Arrears Procedure | Initiating state must calculate arrears. If no challenge to arrears, no formal hearing is necessary. |

I. Documentation Required to Initiate Requests

| ACTION REQUESTED | DOCUMENTS NEEDED | # of Copies of each document | Certification required for each document *See below |
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| Establishment of Paternity and Support | Child Support Enforcement Transmittal | 1 | |
| | Uniform Support Petition | 1 | |
| | General Testimony | 1 | |
| | Affidavit in Support of Establishing Paternity (for each child) | 1 | |

| ACTION REQUESTED | DOCUMENTS NEEDED | # of Copies of each docu- ment | Certifi- cation required for each docu- ment *See below |
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| Enforcement of Responding State's Order | Child Support Enforcement Transmittal New Mexico Order Verified Delinquency Calculation | 1 1 1 | |
| Modification of Responding States' Orders | Same as Enforcement of Responding State's Order | | |
| Administrative Enforcement of Another States' Order | Child Support Enforcement Transmittal Support Order and all Modifications Uniform Support Petition OR Certified Statement by the Custodian of the Records | 1 2 1 | C B |
| Registration for Enforcement of Another States' Order | Same as for Administrative Enforcement of Another State's Order | | |
| Collection of Arrearages in Multiple Orders | See Enforcement | | |
| Uniform Enforcement of Foreign Judgments Act | Authenticated Copy of the Foreign Judgment Affidavit | 1 1 | |
| Modification of Another State's Order | See Enforcement of Another State's Order | | |
| Status Update on an Existing Interstate Case | As provided by OCSE. | | |
| Assistance/Discovery | As provided by OCSE. | | |
| Quick Locate | Quick Locate forms as provided by OCSE. | | |

**A= Notarization by Notary Public; B= Certification by signature of agency official;
C= Certification by signature of court official; D= Others (please specify);
E= Certification not required*

J. State Contact Chart

| ASSISTANCE NEEDED | CONTACT Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable) |
|---|--|
| State Information Agent | Rick Medina, Deputy Director P.O. Box 25109 Santa Fe, NM 87505 (505) 827-7200 FAX: (505) 827-7285 |
| Central Registry | Anna Serna, Central Registry same as above |
| Interstate Policy Contact (if different) | Anna Serna, Central Registry same as above |
| Contact for Information Regarding Your States Long Arm Statute and Process | Helen Nelson, Chief Counsel same as above |
| Contact for Information Regarding Collection and Distribution (State level) | Jerry Griffin, Bureau Chief same as above |
| Contact to Obtain Payment Records | Jerry Griffin, Bureau Chief |
| Contact to Obtain Copy of Order | Jerry Griffin, Bureau Chief |
| Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no "case" in your State) for | Helen Nelson, Chief Counsel same as above |
| <ul style="list-style-type: none"> Service of Process (private process server? If so , list) | Don Levering, Manager same as above |
| <ul style="list-style-type: none"> Genetic Testing (e.g. assistance with interstate teleconferencing) | Jerry Griffin, Bureau Chief same as above |
| New Hire Reporting Contact | Christine Garcia, Policy Coordinator same as above |
| Employer Assistance Contact | Christine Garcia, Policy Coordinator same as above |
| Telephone Number for Automated Interstate Case <i>Status</i> Requests (if any) | none |
| Telephone Number for Automated Interstate Case <i>Payment</i> Requests (if any) | none |
| Privatization Contact | Don Levering, Manager same as above |

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